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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 L-W AUBURN CO., a California
9 general partnership,

10 Plaintiff,

11 v.

12 HOLLINGSWORTH LOGISTICS
13 GROUP LLC, a Michigan limited
14 liability company,

15 Defendant.

CASE NO. 2:23-cv-51
ORDER

16 1. INTRODUCTION

17 This matter comes before the Court on several related case scheduling
18 motions: Plaintiff L-W Auburn Co. moves for leave to file a second amended
19 complaint, Dkt. No. 61; L-W Auburn moves to extend the expert disclosure deadline
20 *nunc pro tunc*, Dkt. No. 66; and both parties seek an extended briefing schedule to
21 file cross-motions for summary judgment, Dkt. No. 74. Because the parties fail to
22 demonstrate good cause, the Court DENIES all motions.

1 **2. BACKGROUND**

2 The Court has modified the case schedule—at the parties' request—multiple
3 times. L-W Auburn filed its complaint on January 10, 2023, and the Court set a jury
4 trial for June 24, 2024. Dkt. Nos. 1, 14. In January 2024, the parties filed a
5 stipulated motion seeking a continuance, citing the need to “receiv[e] documents
6 from third parties,” which “impacted the parties’ ability to conduct” other discovery.
7 Dkt. No. 25 at 1. They also cited a “family matter” as grounds for the requested
8 continuance. *Id.* The Court granted the motion and continued the trial to October 7,
9 2024. Dkt. No. 28. A few months later, after a failed mediation, the parties moved to
10 amend the complaint and counterclaims, and to extend other pretrial deadlines.
11 Dkt. No. 29. The Court granted their request, but rather than adopting the
12 compressed case schedule proposed by the parties, the Court continued the trial
13 date to January 6, 2025, and extended the pretrial deadlines accordingly. Dkt. No.
14 30.

15 In May 2024, the parties filed another joint stipulation requesting a trial
16 continuance—this time due to counsel’s conflicting trial schedule. Dkt. No. 39. Once
17 again, the Court granted the request and continued the trial to February 5, 2025.
18 Dkt. No. 40. In July 2024, the Court granted the parties’ stipulated motion to
19 extend the expert disclosure and discovery motions deadlines. Dkt. No. 48. The
20 Court also granted the parties’ stipulated motion allowing Hollingsworth to file
21 amended affirmative defenses. Dkt. No. 55.

22 On October 4, 2024, despite the previous continuances, the parties again
23 moved to continue the trial date, citing a desire to focus on an upcoming mediation

rather than trial preparation. Dkt. No. 58 at 1. The Court denied the requested relief, finding good cause lacking for yet another trial continuance. Dkt. No. 59. Even so, to grant the parties some relief, the Court extended the deadline for dispositive motions and motions challenging expert witness testimony by one month to December 1, 2024. *Id.* The Court held a status conference at the parties' request so they could make their case for a third trial continuance—effectively a motion for reconsideration—but the parties failed to identify good cause for another extension. Dkt. No. 64.

Now, L-W Auburn moves for leave to file a second amended complaint and to extend the expert disclosure deadline after the relevant deadlines have passed. And the parties join in proposing a briefing schedule for cross summary judgment motions.

3. DISCUSSION

A district court may modify a scheduling order for good cause. Fed. R. Civ. P. 16(b)(4). Good cause exists if the pretrial schedule “cannot reasonably be met despite the diligence of the party seeking the extension.” Fed. R. Civ. P. 16(b) advisory committee’s note to 1983 amendment. Accordingly, “Rule 16(b)’s ‘good cause’ standard primarily considers the diligence of the party seeking amendment.” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). “Mere failure to complete discovery within the time allowed does not constitute good cause for an extension or continuance.” LCR 16(b)(6).

Here, L-W Auburn argues good cause exists for a second amendment because the need to amend arose in March 2024 when Hollingsworth filed its counterclaim,

1 after the amendment deadline in December 2023. While this may be so, L-W
2 Auburn provides no rational for waiting nearly seven months before seeking leave
3 to amend. L-W Auburn also argues Hollingsworth will not be prejudiced by this
4 amendment, but again, this misses the mark given that the Court primarily
5 considers the moving party's diligence in deciding whether to grant such requests.

6 L-W Auburn also claims it agreed to a different timeline with respect to
7 expert disclosures. Specifically, L-W Auburn's counsel states Hollingsworth's
8 counsel agreed that "unless [they] hear[d] otherwise from the Court beforehand,"
9 they would "perform initial expert exchanges on [November 1] and rebuttal
10 exchanges on [November 15]." Dkt. No. 67-2 at 5. Hollingsworth's counsel denies
11 any such agreement. Dkt. No. 69-1 at 1. Whether the parties agreed on this score
12 makes no difference in the Court's analysis, since L-W Auburn must establish good
13 cause for changing the expert disclosure deadlines. Even assuming an agreement
14 between the parties, the Court finds good cause lacking here in the face of the
15 many, prior extensions.

16 Finally, the parties request an extended briefing schedule for to allow for
17 cross-motions for summary judgment. The parties are to be applauded for proposing
18 a joint briefing schedule, and ordinarily the Court would grant endorse any
19 reasonable schedule, but not under these circumstances. The parties' proposed
20 schedule would leave the Court with just 26 days to rule on two summary judgment
21 motions when 90-120 days is the norm in this district. The Court has many other
22 matters pending and it will not compress its time further, taking away from other
23 cases, to accommodate the parties here.

1 **4. CONCLUSION**

2 Accordingly, the Court DENIES all pending motions, Dkt. Nos. 61, 66, 74, for
3 lack of good cause.

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6 Dated this 27th day of November, 2024.

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8 Jamal N. Whitehead
9 United States District Judge